

**LAYTON CITY PLANNING COMMISSION WORK MEETING MINUTES  
SEPTEMBER 11, 2012**

**MEMBERS PRESENT:** Brian Bodily, Dawn Fitzpatrick, Gerald Gilbert, Wynn Hansen, Tim Pales

**MEMBERS ABSENT:** Jeremy Davis, Sharon Esplin, Dave Weaver

**OTHERS PRESENT:** Staff Members: Kem Weaver, Brandon Rypien, Clint Drake, Paul Bauer, Julie Jewell

Planner II, Kem Weaver, introduced Paul Bauer, Layton City Building Official who explained the Building Division's role in Planning. He said he manages the Building Division and is responsible for code review, some site plan review regarding setbacks, and he makes sure the building meets the minimum standards for life safety and public welfare

Mr. Bauer referred to the Red Dot Fire Arms construction drawings and explained how a complete code review would be done and that anything recommended by the Planning Commission is added.

Mr. Bauer related improvements in communication between divisions to allow for better review of conditional use request.

With regard to the Salvo Guns conditional use and site plan, Mr. Bauer explained that he had called other building officials with gun ranges in their jurisdictions, reviewed federal standards and talked to the Layton City Police Chief. He said he had walked through the building several times with the owner who explained the procedures and safety provisions. On-going inspections will occur throughout the retrofitting of the building.

Mr. Bauer explained that when the use changes in a building, the building has to be brought up to code. There was a discussion on the follow up on conditions required as part of a conditional use. Mr. Weaver said the Code Enforcement officer follows up on the conditional use requirements.

Mr. Bauer listed the inspections that are performed both for an existing site remodel and a new building. He said he communicates regularly with the builders before they get too far into a project.

Commissioner Fitzpatrick asked if the Building Department coordinates with the Health Department for businesses that require health department approval. Mr. Bauer said the builder is responsible for obtaining health department approval before the City issues a permit and also prior to opening the business. The Building Division receives comments from the County Health Department and checks to see if Health Department issues have been addressed.

Commissioner Hansen asked about the difference in construction between the new build gun facility and the retrofit. Mr. Bauer explained the construction, insulation, security and safety measures and noise mitigation. He said these standards would be the same for both buildings.

Commissioner Bodily asked about new home construction, and Mr. Bauer said that from January 1, 2012, 185 single family permits had been issues. During all of 2011, 150 single family permits were issued.

There was a discussion on the design of the new apartment complexes under construction.

Mr. Bauer suggested that the Commissioners call him any time they had questions on buildings under construction.

**OTHER:**

The Commission asked about the Shippen business. Assistant City Attorney, Clint Drake, said the business owner had hired an attorney and had not met his deadline to clean up the property. Mr. Bauer said he and Mr. Wright had been meeting with Mr. Shippen to get the clean up issues resolved.

Mr. Bauer said PowerTrain Perfection is cutting a third bay as a way to get four more cars inside. He said the property owner has agreed to put up fencing. He has been told the next step is for the Planning Commission to review the conditional use permit for revocation if conditions are not soon met. Mr. Weaver said the tenant and owner had been brought together in a meeting to make sure there was an understanding of the conditions that needed to be met and the work to be done to meet those conditions.

**PUBLIC REVIEW:**

**1. PEACEFIELD PRUD AMENDMENT – FINAL APPROVAL**

The applicants, Open Country Investments, LLC (Peacefield Homeowners Association) and Utah Heritage Foundation are proposing a easement and common area plat amendment. This property is located at approximately 450 North 1700 East in an R-1-10 PRUD (Single Family Residential Planned Residential Unit Development) zoning district.

Mr. Weaver presented a history of the Peacefield Subdivision since its inception stating that on August 6, 1998, the City Council approved the preliminary plan for the Peacefield planned residential unit development (PRUD). He said the development was eventually phased into six final plats. Phase 1, 2 and 4 consisted of single family home lots and the majority of the common area that is being amended. Phase 3, 5 and 6 consisted of twin homes with a small number of twin homes being built in Phases 3 and 5. Because the twin homes were at a slower rate selling, these three phases were amended to allow detached patio type homes. A 1.5 acre area was set aside, surrounded by the large common area, for the developer's future publishing business, which was permissible within the PRUD ordinance.

Mr. Weaver said the publishing building was never constructed and the majority of the common area has been landscaped and used by the residents of the Peacefield PRUD as open space. The Peacefield PRUD homeowners association (HOA) has not been comfortable knowing that a portion of the open space is set aside for a publishing building, which could be built at any time.

Mr. Weaver said that on December 17, 1998, the developer, unbeknownst to the HOA, made specific requests to the City to place a preservation easement on all the common areas within the Peacefield PRUD and the City Council denied the request. The developer went to the Utah Heritage Foundation shortly after the Council's denial and applied to have a preservation easement placed on the old farmstead or large common area of the Peacefield PRUD. The preservation easement was granted and the easement was recorded, which severely restricts how the common area can be used and how it can look. The intent of the easement is to keep the common area looking similar to a traditional farm stead. However, the common area/open space aesthetically looks and acts as a typical park. The HOA is not able to place a playground, picnic tables, basketball court, bowery, etc.

Mr. Weaver said that currently, the developer and the Peacefield HOA have been in litigation and reached a settlement in dealing with the preservation easement and common area. Part of the settlement requires an amended plat for phase 1, 2 and 4 of the Peacefield PRUD. Both parties have agreed to restructure the common area and the preservation easement. The developer is required to convey the 1.5 acres for his publishing building to the HOA to be used as common area. In return, the HOA has agreed to quit claim any interest it has in certain common area on Lots 2 and 3 of the amended plat. Lots 2 and 3 contain historical buildings (single family home and commercial building) these lots will not be part of the common area but will be subject to the preservation easement. The HOA is not responsible to maintain Lots 2 and 3

with this amended plat and easement, but the HOA will be required to maintain Lots 1 and 4. The preservation easement will continue to encumber the common area but with relaxed requirements, which allows for playground equipment, tables, with the existing landscaping of the property to remain.

In summary, Mr. Weaver said Lots 1 and 4 will be the common area for Peacefield PRUD and will be maintained by the HOA. The preservation easement will remain with the common area; however, the easement requirements will be more relaxed to allow amenities for the residents to use. Lots 2 and 3 will be owned by the developer and are not part of the common area, which requires the developer to maintain these two lots.

The percentage of common area required for the PRUD is still being met with the addition of the 1.5 acres from the publishing building.

Commissioner Hansen said the publishing business had moved to Kaysville, and Mr. Weaver said the main office is in Kaysville, but an office still is maintained at Peacefield. Commissioner Fitzpatrick asked there were State regulations on what could be done in the preservation easement. Mr. Weaver said the preservation easement is very strict. He said he felt progress was being made with this amendment to make the open space usable for the residents.

## **2. AT&T – AMENDMENT TO A CONDITIONAL USE FOR A CELL TOWER**

The applicant, AT&T, is proposing to remove the existing 30-foot pole and replace with a new 60-foot pole to accommodate new LTE/4G antennas. This property is located at approximately 250 North Highway 89 in an A (Agriculture) zoning district.

Planner I, Brandon Rypien, presented the request to amend a conditional use for a cell tower from a 30 foot existing wood mono pole cell tower to a 60 foot wood pole. He said the higher tower was necessary to allow for new LTE/4G antennae. He said the new pole would accommodate two existing antennas that are on the existing 30-foot pole, as well as three LTE/4G and two UMTS antennas, for a total of seven antennas, which will be flush mounted. He said he equipment compound will not be expanded but equipment will be added to the inside of the building.

Mr. Rypien explained that a (Utah Department of Transportation) UDOT approved ten-foot wide access road off Highway 89 will be used to access the equipment compound.

There was a discussion regarding any future expansion. Mr. Rypien said that with this amendment no changes would be made to the fenced area, only to the equipment within the fencing.

Mr. Rypien presented a map showing cell tower coverage in the City. He said he had not heard any complaints from residents, only a comment from a resident who was glad the pole would be a 60 foot wood pole and not a 100 foot cell tower.

Brandon hasn't heard from that resident but has heard from another resident who was glad it was a 60 foot wood pole and not a 100 foot cell tower.

  
Julie Jewell, Planning Commission Secretary

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Planning Commission Vice-Chair, Gerald Gilbert, called the meeting to order at 7:02 p.m. A moment of silence was held for those who were killed on September 11, 2001, their families, and the survivors. The Pledge of Allegiance was recited, and an invocation given by Commissioner Bodily.

Vice-Chair Gilbert called for a motion to open Public Review. Commissioner Pales moved to open Public Review. Commissioner Bodily seconded the motion, and the voting was unanimous.

**PUBLIC REVIEW:**

**1. PEACEFIELD PRUD AMENDMENT – FINAL APPROVAL**

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Mr. Weaver presented a history of the Peacefield Subdivision since its inception stating that on August 6, 1998, the City Council approved the preliminary plan for the Peacefield planned residential unit development (PRUD). He said the development was eventually phased into six final plats. Phase 1, 2 and 4 consisted of single family home lots and the majority of the common area that is being amended. Phase 3, 5 and 6 consisted of twin homes with a small number of twin homes being built in Phases 3 and 5. Because the twin homes were at a slower rate selling, these three phases were amended to allow detached patio type homes. A 1.5 acre area was set aside, surrounded by the large common area, for the developer's future publishing business, which was permissible within the PRUD ordinance.

Mr. Weaver said the publishing building was never constructed and the majority of the common area has been landscaped and used by the residents of the Peacefield PRUD as open space. The Peacefield PRUD homeowners association (HOA) has not been comfortable knowing that a portion of the open space is set aside for a publishing building, which could be built at any time.

Mr. Weaver said that on December 17, 1998, the developer, unbeknownst to the HOA, made specific requests to the City to place a preservation easement on all the common areas within the Peacefield PRUD and the City Council denied the request. The developer went to the Utah Heritage Foundation shortly after the Council's denial and applied to have a preservation easement placed on the old farmstead or large common area of the Peacefield PRUD. The preservation easement was granted and the easement was recorded, which severely restricts how the common area can be used and how it can look. The intent of the easement is to keep the common area looking similar to a traditional farmstead. However, the common area/open space aesthetically looks and acts as a typical park. The HOA is not able to place a playground, picnic tables, basketball court, bowery, etc.

Mr. Weaver said that currently, the developer and the Peacefield HOA have been in litigation and reached a settlement in dealing with the preservation easement and common area. Part of the settlement requires an

amended plat for phase 1, 2 and 4 of the Peacefield PRUD. Both parties have agreed to restructure the common area and the preservation easement. The developer is required to convey the 1.5 acres for his publishing building to the HOA to be used as common area. In return, the HOA has agreed to quit claim any interest it has in certain common area on Lots 2 and 3 of the amended plat.

Mr. Weaver said Staff recommends the Planning Commission forward a positive recommendation to the City Council to approve the amended plat for Peacefield PRUD Phase 1, 2 and 4 subject to the applicant meeting staff requirements as outlined in staff memorandums.

Commissioner Bodily asked if the relaxed conditions of the preservation easement had been put in writing. Mr. Weaver responded that the specifics are still being worked out with the Heritage Foundation and the attorney.

There were no further questions from the Commission or from the public. Vice-Chair Gilbert called for a motion on the item.

Commissioner Pales moved that the Planning Commission forward a positive recommendation to the City Council to approve the Peacefield Subdivision amendment subject to meeting all Staff requirements as outlined. Commissioner Hansen seconded the motion, and the voting was unanimous.

## **2. AT&T – AMENDMENT TO A CONDITIONAL USE FOR A CELL TOWER**

The applicant, AT&T, is proposing to remove the existing 30-foot pole and replace with a new 60-foot pole to accommodate new LTE/4G antennas. This property is located at approximately 250 North Highway 89 in an A (Agriculture) zoning district.

Planner I, Brandon Rypien, said the applicant, Justin Hadley, would like to replace the existing 30-foot, AT&T wireless tower (wood pole) with a 60-foot wood pole. He said the conditional use for the 30-foot wood pole and equipment compound was approved by the Planning Commission on June 22, 1999. It was approved in order to provide better coverage along the Highway 89 corridor in preparation for the 2002 Winter Olympics. Technology has changed significantly in the past decade and upgrades are necessary to continue to provide service in this area of Layton City.

Mr. Rypien said the new 60-foot pole will host the two existing antennas that are on the existing 30-foot pole, as well as three LTE/4G and two UMTS antennas, for a total of seven antennas. The equipment compound will not be expanded but equipment will be added to the inside of the building. There is a 10-foot wide access road that connects the tower site to Highway 89 that was approved by UDOT and will continue to be used by AT&T wireless.

This telecommunication facility is within the Agriculture (A) zone, which is considered a residential zone. The sixty 60-foot wood pole is a monopole structure that will have the antennas flush-mounted similar to the antennas on the existing wood pole. The structure within the equipment compound will house the new equipment for the LTE/4G and for the existing antennas. The new antennas will provide wireless services for the new technology that will be broadcast throughout the area.

Mr. Rypien said Staff recommends approval of this conditional use permit amendment with the following conditions:

1. A letter shall be provided with the building permit that states that the owner will allow for co-location and that the structure will be constructed to allow two additional antennas/providers in the future.
2. Engineering calculations provided by a state certified engineer shall be supplied with the building permit that shows engineering specifications for the pole to support two additional service providers/antennas.

3. A letter shall be provided with the building permit that states that if technology renders the tower obsolete and the tower is vacated, that the agent will remove the tower, all apparatus associated with it, the top three feet (3') of the footing, and restore the site to its original condition within ninety (90) days of the vacation of the tower.
4. The height of the new pole shall be restricted to sixty (60) feet at the tallest point.
5. The applicant must complete conditions 1 – 3 listed above prior to the issuance of the building permit for the new 60-foot tower. All tower and site improvements shall be subject to a final inspection and sign-off by the Building Division.

There were no questions from the Commission or the audience. The AT &T representative also had no questions. Vice-Chair Gilbert called for a motion on the item.

Commissioner Bodily moved that the Planning Commission approve the conditional use amendment allowing the 30 foot wooden pole to be replaced with a 60 foot wooden pole subject to the applicant meeting all conditions, which are hereby adopted as requirements. Commissioner Pales seconded the motion, and the voting was unanimous.

Vice-Chair Gilbert called for a motion to close Public Review and adjourn the meeting. Commissioner Pales moved to close Public Review and adjourn the meeting. Commissioner Bodily seconded the motion, and the voting was unanimous.

The meeting adjourned at 7:15 p.m.

  
Julie Jewell, Planning Commission Secretary